



# COUNTY OF SAN DIEGO

## DEPARTMENT OF PLANNING AND LAND USE: Zoning

### DETERMINATION OF LEGAL PARCEL

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#### POLICY G-3

##### PURPOSE:

Establish guidelines to be used in determining a legal parcel when issuing a building permit or accepting applications for other approval to develop property.

##### POLICY:

- A. When a parcel complies with the minimum zoning area requirements, one of the following may be acceptable as evidence of a legal parcel with certain exceptions. (See Section B.)
1. A lot shown on a Final Map. (Major Subdivision Map)
  2. A lot or parcel shown on a Record of Survey approved by the Board of Supervisors or the Planning Commission.
  3. A parcel shown on a Parcel Map or Certificate of Compliance recorded in lieu of a Parcel Map.
  4. A parcel described in a recorded Certificate of Compliance.
  5. A parcel shown on an approved Division of Land Plat.
  6. A parcel shown on a Lot Legalization Plat. (Used as evidence of legal parcel prior to Certificate of Compliance.)
  7. A parcel shown on an approved Boundary Adjustment Plat.
  8. A parcel described in a Grant Deed or other bonafide conveyance document recorded prior to **February 1, 1972**. The deed/document does not have to be in the name of the present owner. However, it must describe the perimeter boundaries of the subject property and **no other contiguous property**. (See Paragraph C below.) **The legal description and County Recorder's information (date and recording number) must be legible to County staff. The Deed need not be an original nor a certified copy.**

Assessor Recorder  
1600 Pacific Highway  
San Diego, CA 92102

El Cajon  
200 S. Magnolia Avenue  
El Cajon, CA 92020

San Marcos  
151 E. Carmel Street  
San Marcos, CA 92069

B. Exceptions to this policy are as follows:

1. A recorded Subdivision Map (Major or Minor) invalidates any and all underlying lots or parcels previously established by any other legal means.
2. A Deed recorded prior to February 1, 1972, as a Condition of Approval of a Boundary Adjustment does not constitute a legal lot for the exchange of land as shown on the plat.
3. A Deed recorded prior to February 1, 1972, which would have caused a Major Subdivision to be recorded by the Grantor (Five [5] or more lots).
4. A parcel, which in the Department's opinion, based on design, size, lack of public services, etc. was not intended as a building site.

C. A Certificate of Compliance must be requested and obtained for:

1. Any parcel meeting A-4 through A-9 above, which subsequently merged with adjacent parcels as a result of some action taken by the County. (See Section 81.106 of the County Subdivision Ordinance for permitted unmergers.)
2. Any request for a Legal Parcel determination that involves an interpretation of the Map Act and/or the County Subdivision Ordinance.
3. Any parcel which in the Department's opinion, based on design, size, lack of public services, etc. was not intended as a building site.
4. Any determination involving more than a routine staff review and decision.
5. Any request for a written determination.
6. A parcel which is completely surrounded by lots already determined to have been legally created.

D. Undersized Parcels:

1. When a parcel does not meet minimum zoning area requirements, it will be necessary to verify that it complies with Section 4220 of The Zoning Ordinance, including:
  - a. The parcel was created by A-1 through A-7 above; or
  - b. The parcel was described on a recorded Grant Deed, or other bonafide conveyance document recorded prior to the date the parcel was **first zoned** the zone classification which caused it to be undersized. The deed or document must also be recorded prior to **February 1, 1972** (see Paragraph C-3 and -4, above). If the parcel was created by deed, recorded prior to February 1, 1972, but in violation of The Zoning Ordinance, the owner must be successful in obtaining a zone reclassification or a zone variance.